

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BEFORE THE HONORABLE CHARLES R. BREYER

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.) No. CR 17-0175 CRB
)
LEN TURNER and LANCE TURNER,)
) San Francisco, California
Defendants.) Monday
) August 20, 2018
) 10:15 a.m.

EXCERPT OF JURY TRIAL PROCEEDINGS
OPENING STATEMENTS

APPEARANCES:

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Official Reporter - US District Court
Computerized Transcription By Eclipse

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Official Reporter - U.S. District Court - San Francisco
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Monday - August 20, 2018

12:08 p.m.

P R O C E E D I N G S

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(Prior proceedings held herein, reported
but not transcribed.)

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(Proceedings held in open court, outside
the presence and hearing of the jury.)

THE CLERK: Calling Criminal Action CR 17-0175, USA
versus Len Turner and Lance Turner.

Counsel, please state your appearances for the record.

MS. HOPKINS: Good afternoon, your Honor.
Kimberly Hopkins and Andrew Dawson for the United States.

MR. RIORDAN: Good afternoon, your Honor. Dennis
Riordan for defendant Len Turner, who is present here in court.
And I'm joined by paralegal Marlin Schulz who is inside the
bar.

MS. BOERSCH: Martha Boersch for Lance Turner who is
also present and Roxanne Vorkoeper from my office will be
assisting the Defense.

THE COURT: So we are still waiting for one juror.
And my Courtroom Deputy -- there has been no message, so we're
trying to contact that one juror to see what the situation
is. It happens to be an alternate, juror number 14.

1 (Discussion held off the record between the Court and
2 the Courtroom Deputy.)

3 (Brief pause.)

4 **THE COURT:** The name of the co-defendant, this is for
5 instruction number 2.16, exactly how do I refer to him? It
6 says:

7 "For reasons that do not concern you, the case
8 against co-defendant blank is no longer before you" --
9 well, it never was before them -- "do not speculate
10 why."

11 This is really given if a defendant leaves a trial in the
12 middle of the trial. I don't think it's appropriate to give it
13 now.

14 **MR. DAWSON:** I think the Government's interest is
15 simply that they are going to be hearing about Taj Reid, but
16 he's not sitting in the courtroom and to dispel any curiosity
17 about what their role should be or if your Honor prefers to
18 give nothing.

19 **THE COURT:** I prefer to give nothing. In the
20 closing, final instructions I certainly can give something, if
21 you think it's warranted and I would. I would.

22 **MS. HOPKINS:** Your Honor, just a housekeeping matter.
23 If we could invoke the rule excluding witnesses?

24 **THE COURT:** Okay. Any objection to that?

25 **MS. BOERSCH:** No, your Honor.

1 **MR. RIORDAN:** No, your Honor.

2 **THE COURT:** Okay. So they can sit here for the
3 opening, but then after that. Other than if you have your
4 investigators testify -- I don't know whether you will or
5 not -- they can stay.

6 **MR. DAWSON:** We will, your Honor.

7 (Brief pause.)

8 (Jury enters the courtroom at 12:21 p.m.)

9 **THE COURT:** Call the case again, if you will.

10 **THE CLERK:** Calling Criminal Action CR 17-0175, USA
11 versus Len Turner and Lance Turner.

12 Counsel, please state your appearances.

13 **MS. HOPKINS:** Good afternoon, your Honor. Kimberly
14 Hopkins and Andrew Dawson for the United States.

15 Also seated at counsel table is Special Agent Ethan Quinn
16 and Special Agent Jason Miller.

17 **MR. RIORDAN:** Good morning -- good afternoon, your
18 Honor. Dennis Riordan for defendant Len Turner, who is present
19 here in court today.

20 And I'm joined by paralegal Marlin Schulz, who is sitting
21 within the bar.

22 **MS. BOERSCH:** Good afternoon, Your Honor. Martha
23 Boersch for the defendant Lance Turner, who is present at the
24 table.

25 And with me is my assistant Roxanne Vorkoeper.

PRELIMINARY JURY INSTRUCTIONS

1 **THE COURT:** Thank you.

2 Would you administer the oath to the jury.

3 (Jurors placed under oath.)

4 **THE CLERK:** Thank you. Please be seated.

5 **THE COURT:** Well, good afternoon, ladies and
6 gentlemen. Thank you all for coming back. I appreciate it. I
7 hope you were able to organize -- other than some emergency,
8 organize your -- this week and next.

9 As you know, we're not meeting on Wednesday and we're not
10 meeting on Friday. So we're meeting Tuesday and Thursday and
11 then resuming next week.

12 Last time you were here I gave you a number of
13 instructions called preliminary instructions, but I would like
14 to give you just a few more if I may. Because I think they'll
15 be useful. At the end of the trial I will give you, each of
16 you, a copy of the written instructions, which is the law that
17 you must apply to this case.

18 **PRELIMINARY JURY INSTRUCTIONS**

19 **THE COURT:** If you wish, you may take notes to help
20 you remember the evidence. If you do take notes, please keep
21 them to yourself until you and your fellow jurors go to the
22 jury room to decide the case. Do not let note taking distract
23 you from being attentive. When you leave the Court for
24 recesses, your notes should be left either in the jury room
25 or -- I would suggest you take them to the jury room. No one

PRELIMINARY JURY INSTRUCTIONS

1 will read your notes. Whether or not you take notes, you
2 should rely on your own memory of the evidence. Notes are only
3 to assist your memory. You should not be overly influenced by
4 your notes or those of your fellow jurors.

5 Now, as I said before, you are now the jury in this case
6 and I want to tell you something about your duties as jurors
7 and to give you again some preliminary instructions. At the
8 end of the trial I will give you more detailed written
9 instructions that will control your deliberations.

10 When you deliberate, it will be your duty to weigh and to
11 evaluate the evidence received in the case and in that process
12 to decide the facts. To the facts as you find them you will
13 apply the law as I give it to you, whether you agree with the
14 law or not.

15 You must decide the case solely on the evidence and the
16 law before you and must not be influenced by any personal likes
17 or dislikes, opinions, prejudices, sympathy or biases,
18 including unconscious bias. Unconscious biases are
19 stereotypes, attitudes, or preferences that people may
20 consciously reject, but may be expressed without conscious
21 awareness, control or intention. Like conscious bias,
22 unconscious bias, too, can affect how we evaluate information
23 and make decisions.

24 In addition, please do not take anything I may say or do
25 during the trial as indicating what I think of the evidence or

PRELIMINARY JURY INSTRUCTIONS

1 what your verdict should be. That is entirely up to you.

2 Now, you observed that there are two defendants in this
3 case and although the defendants are being tried together, you
4 must give separate consideration to each defendant. In doing
5 so, you must determine which evidence in the case applies to
6 each defendant, disregarding any evidence admitted solely
7 against some other defendant. The fact that you may find one
8 of the defendants guilty or not guilty should not control your
9 verdict as to any of the other defendants.

10 The next phase of this trial will now begin. First, each
11 side may make an opening statement. An opening statement is
12 not evidence. It is simply an outline to help you understand
13 what the party expects the evidence will show. A party is not
14 required to make an opening statement.

15 The Government will then present evidence and counsel for
16 the defendant may cross examine. Then if the Defendant or a
17 Defendant chooses to offer evidence, counsel for the Government
18 may cross examine.

19 After the evidence has been presented, I will instruct you
20 on the law that applies to this case and the attorneys will
21 make closing arguments. After that, you will go to the jury
22 room to deliberate on your verdict.

23 So as I indicated, we will start first with the
24 Government's opening statement.

OPENING STATEMENT / DAWSON

OPENING STATEMENT

MR. DAWSON: Ladies and gentlemen, the evidence that you will be hearing over the course of this trial boils down to a simple story. It's a story about cheating. The defendants, Len Turner and Lance Turner, conspired with Taj Reid to cheat, to defraud the Department of Energy out of taxpayer money.

Now, the specific kind of cheating you'll be hearing about is known as bid rigging. Now, one form of bid rigging occurs when you have an insider to some sort of a contract who promises the benefits of that contract to one party. But in order to make it look like a competitive process, you may have two other people pretend to bid on that contract and to send in bids higher than the first, all the while knowing that the first party had already been promised that contract.

For example, you will be hearing about the Department of Energy and their processes for when they have a construction project. You'll hear that if they wanted to renovate a building, they send out some details about the project to solicit what are known as bids from contractors who can estimate how much they think it will cost to do the job. Just like you might do with a large purchase of your own, they shop around for the best value.

You'll hear evidence in this trial that the point of this process is to ensure that the Government gets the best value for its money. You'll also hear evidence that when this

OPENING STATEMENT / DAWSON

1 process is interrupted, when you have, for example, collusion
2 among the bidders, the buyer ends up paying more than what's
3 fair. And, ladies and gentlemen, that's what this case is
4 about. It's about rigging the bidding process and corrupting
5 the competition.

6 The evidence will show that Taj Reid, Len Turner, and
7 Lance Turner -- and you have a chart that I believe has popped
8 up on your screens. Len Turner and Lance Turner are the
9 defendants in court today. The evidence will show that these
10 three men conspired to rig the bidding process for a
11 construction contract at the Lawrence Berkeley labs over in
12 Berkeley, California, just across the bridge. The evidence
13 will show that the three co-conspirators believed that there
14 was a corrupt insider within the Department of Energy who had
15 promised a contract, who had promised a construction contract
16 to a fourth individual by the name of William Joseph.

17 Now, the design of the bid-rigging scheme that you will be
18 hearing evidence about was that the insider had promised the
19 contract to William Joseph. The defendants knew that the
20 estimated actual cost of the project was about \$4.1 million.
21 You'll hear evidence that William Joseph expected to get the
22 contract for \$5.9 million, almost \$2 million more than what the
23 estimate would have suggested. Now, what William needed in
24 order to get this contract was to get somebody else to submit
25 bids even higher than his so that the insider could justify

OPENING STATEMENT / DAWSON

1 giving the contract to William Joseph.

2 William Joseph wanted to cover his tracks and make it
3 appear like a normal competitive process. So that's what the
4 Turner's construction group, the Turner Group did. On
5 September 18th, 2013, the Turner Group submitted by email a bid
6 for the Lawrence Berkeley construction project in the amount of
7 \$6.15 million, exactly the amount they had been told to bid by
8 Taj Reid.

9 And the evidence in this case will also demonstrate why
10 the Turners agreed to do this. As I mentioned ago, there will
11 be evidence that they knew that the estimated cost was
12 \$4.1 million, but that William Joseph was prepared to get the
13 contract for \$5.9 million, a potential profit of almost
14 \$2 million.

15 Now, you'll hear that William Joseph's cover story when he
16 was here -- excuse me -- I'll get to him in a minute. You'll
17 hear that William Joseph was from out of town and what he
18 needed was to have somebody local who could actually do the
19 work for him once he got the contract. So the Turners expected
20 they would get this profitable contract in the amount of about
21 \$5.9 million, but the cost would, in fact, be \$4.1 million.
22 That's the profit.

23 Now, as I alluded to a moment ago, what Lance Turner,
24 Len Turner, and Taj Reid didn't know was that William Joseph
25 was in reality a man by the name of William Myles, who was

OPENING STATEMENT / DAWSON

1 working with the FBI as a confidential source. William was
2 working with the FBI agents on a corruption investigation. In
3 reality there was no construction contract. There was no
4 insider who had promised William a deal.

5 You may remember from jury selection a few weeks ago when
6 Judge Breyer instructed you that in the course of its
7 investigations, law enforcement sometimes uses stealth and
8 deception, and that's what this was. You'll hear evidence that
9 this was a sting operation.

10 You'll hear evidence as well about what led up to the use
11 of that technique. But the defendants, Len Turner and
12 Lance Turner, didn't know that nor did they know that
13 William Joseph was recording his conversations both over the
14 phone and in person with the defendants and with Taj Reid.

15 Now, over the course of the next few days, you'll be
16 hearing a number of these conversations. And when the trial is
17 over, the evidence that we expect to present to you will prove
18 beyond a reasonable doubt that the defendants conspired to
19 defraud and to cheat the Department of Energy out of money.

20 Now, ladies and gentlemen, my trial partner introduced our
21 team a few moments ago, and I wanted to take a minute to go
22 into a little more detail. My name is Andrew Dawson. I'm an
23 Assistant United States Attorney here in San Francisco, as is
24 my trial partner, Kim Hopkins.

25 At our table we also have FBI Special Agent Ethan Quinn,

OPENING STATEMENT / DAWSON

1 who is also operating our computer. He's one of the agents who
2 worked on the investigation, and we expect you'll be hearing
3 from him. And at the end of the table we also have Special
4 Agent Jason Miller, who is a Special Agent with the Department
5 of Energy in the Office of the Inspector General.

6 Now, as the Judge mentioned to you a few moments ago, the
7 things that I say when I'm standing here and the things that
8 defense counsel say when they are standing here, this isn't
9 evidence. Instead this is our opportunity to give you a bit of
10 a road map, a framework so that when the evidence comes in,
11 either from the testimony -- the testimony of the witnesses who
12 are under oath or the exhibits that are admitted into evidence,
13 I hope that this statement will give you a framework so that
14 you can see how things fit together when the evidence starts
15 coming in.

16 Now, when I began, I gave you the 10,000-foot summary of
17 what this case was about. I want to take a few minutes to get
18 into a little more detail.

19 The key dates in this investigation are in September of
20 2013. On September 9th, 2013, William Joseph, who, as I
21 mentioned, was an FBI undercover source, at the direction of
22 the FBI reached out to Taj Reid, who is one of the individuals
23 on the screen in front of you, and told him that he,
24 William Joseph, had been promised a construction deal by an
25 insider at the Lawrence Berkeley Labs. William told Taj Reid

OPENING STATEMENT / DAWSON

1 that the deal was his because he knew the contracting officer.
2 He had an insider. And he asked Taj to reach out to the
3 Turners to Len Turner and Lance Turner, to see if they wanted
4 the job and whether they could be discreet, whether they could
5 keep their mouth shut.

6 You're going to hear evidence that Taj Reid by this point
7 had already participated in two very similar
8 construction-related conspiracies. The evidence will show that
9 the next day on September 10th, 2013, the Turners joined the
10 conspiracy. On that date Taj Reid and William spoke on the
11 phone. It's a recording that we expect you'll hear at trial.

12 During the conversation between Taj Reid and
13 William Joseph, after a few minutes Len Turner joins the call.
14 He joins the call and you'll hear his voice, and you'll hear
15 that he understood the scheme. He understood the plan. He
16 knew about the insider. And he was in.

17 Len Turner also told Taj Reid that he didn't have any
18 problem keeping his mouth, being discreet, and that he didn't
19 want to know anything about how William got the contract.

20 That same day in other phone calls that you'll hear
21 between William and Taj Reid, William fills in some more of the
22 details about exactly how the scheme is supposed to work.
23 William explained that what he needed was a phony bid -- that's
24 a term you'll hear on the recordings -- and that the bid should
25 be about \$6.15 million. William told Taj that he needed this

OPENING STATEMENT / DAWSON

1 bid to come in at that price to help cover his tracks to ensure
2 that he could get the deal for himself.

3 Now, I want to take a moment to play a portion -- I might
4 have confused my dates. September 11th is the conversation
5 between William Joseph and Taj Reid where Len Turner joins the
6 conversation. You will hear more of this recording during the
7 trial, but I wanted to give you the opportunity to hear what
8 it's like to hear some of these recordings. So this is a small
9 portion that I'm going to play. And you'll see the transcript
10 show up on the screens in front of you, if all goes well, and
11 you'll hear the recording itself.

12 So, Ethan, if we could do 98-1.

13 (Audiotape played in open court, not reported.)

14 **MR. DAWSON:** So as you hear on that recording and as
15 you will hear in the recorded evidence, Len Turner knew what
16 the scheme was, and he was in.

17 Now I'd like to play one more excerpt from that recording,
18 which is 98-2.

19 (Audiotape played in open court, not reported.)

20 **MR. DAWSON:** So as you can hear, as I mentioned a
21 moment ago, the evidence will show that Len Turner anticipated
22 he would get the work for this deal that William Joseph had
23 arranged to get for an inflated price.

24 Another recording from a few days later demonstrates that
25 the defendants were willing conspirators along with this idea.

OPENING STATEMENT / DAWSON

1 On September 16th, 2013, Len Turner, Lance Turner, and Taj Reid
2 had dinner with William Joseph. Within minutes of joining the
3 dinner, Len Turner handed William Joseph a bid letter on the
4 construction contract in question as he'd been requested.

5 During the conversation that was recorded and which we
6 expect you'll hear at trial, Len Turner explained that he
7 didn't do his own estimate of what the job would cost and that
8 he didn't plan to do one until after William got the job. And
9 again I want to play for you a short excerpt of what this
10 conversation was like.

11 Ethan, if you could pull up --

12 **THE COURT:** We have two alternates that are having
13 some difficulty seeing the screen. Why don't you sit -- just
14 move over, and for this purpose just sit on the bench. I think
15 that would be of assistance. And then when we're finished, you
16 can move back. Okay.

17 (Brief pause.)

18 (Audiotape played in open court, not reported.)

19 **MR. DAWSON:** As you heard, the evidence will show
20 that Len Turner at the dinner says his people didn't even look
21 at it, but he took the number he had been provided and he put
22 it on the letter.

23 You'll also hear a recording of another meeting a few
24 weeks after this on October 3rd, 2013. This is a meeting with
25 William Joseph and with the two defendants in this case,

OPENING STATEMENT / DAWSON

1 Len Turner and Lance Turner. The meeting on October 3rd took
2 place at a hotel room, at William Joseph's hotel, and the
3 background for the meeting was that William invited Len Turner
4 and Lance Turner to come listen in on a conversation that
5 William planned to have with his insider. William said he was
6 going to be talking to his contact inside the Department of
7 Energy, and he invited Len Turner and Lance Turner to listen
8 in. You will hear on the recording of the October 3rd meeting
9 that the insider, who's referred to as Maria, called William
10 and told him that the deal was his. Quote, "you know it's
11 yours," while the Turners were listening in on speakerphone.

12 Maria went on to say that the Turners' phony bid looked
13 okay but the third bid that had ostensibly been solicited
14 wasn't going to work. So Maria informed William they needed
15 another bid, a third bid to come in higher than Williams to
16 make the scheme work. Maria on the call confirmed that the
17 true estimated cost of the project was 4.1 but that William was
18 going to get it for 5.9 if they could get the third bid.

19 Now, you'll hear the Turners and William on the recording
20 strategizing about how they might go about to get this third
21 bid to make the scheme work. Len Turner on the recording
22 suggests having his cousin Fred submit a bid as well. Fred has
23 a separate contractor's license, according to the recordings,
24 although he's also affiliated with the Turner Group.

25 Now, on the recording you will hear Lance Turner respond

OPENING STATEMENT / DAWSON

1 by worrying that because the cousin is also associated with the
2 Turner Group, it might be traced back to the Turner Group.

3 Again, I'm going to play for you a sample of that meeting.

4 There are going to be two clips, and we'll start with
5 112-1.

6 (Audiotape played in open court, not reported.)

7 **MR. DAWSON:** If we can now pull up 112-2, which is
8 another clip from the same meeting on October 3rd.

9 (Audiotape played in open court, not reported.)

10 **MR. DAWSON:** So as the recording reflects,
11 October 3rd, a few weeks after the conspiracy kicked off,
12 Len Turner and Lance Turner are actively strategizing trying to
13 find a way to make the scheme work and to get that third bid
14 they need in order to get the contract down the road.

15 Now, in order for you to get a complete picture of the
16 players in this story, the evidence that will come in at trial
17 we anticipate will go back a few months before September of
18 2013. You'll hear evidence going back to April and May of
19 2013, about five months earlier. You'll hear that during that
20 time period, Taj Reid, who is one of the co-conspirators, had a
21 partner and they had a consultant -- consulting company and
22 they were trying to drum up some business and to find some
23 work. You'll hear recordings of Taj Reid talking with William
24 in this time period about his business, about his hopes to make
25 some money.

OPENING STATEMENT / DAWSON

1 One of the subjects you'll hear them discussing is the
2 fact that Taj Reid and his partner proposed a different insider
3 construction scheme to William. Taj Reid's partner,
4 Eric Worthen, was himself an insider, and you'll hear
5 recordings where Taj Reid discusses his interest in setting up
6 a conspiracy to provide William Joseph with insider information
7 about those separate contractors. Those recordings will
8 demonstrate that Taj Reid knew how this worked. He knew about
9 bidding processes, and he knew what he was doing was wrong.
10 You'll also hear in this same time period that Taj Reid was
11 actively talking about other ways that he could make money. He
12 was looking for other clients.

13 You'll hear that one of the clients he was talking about
14 was the Turner Group. You'll hear that he had discussions with
15 individuals who worked for the Turner Group. He had a meeting
16 with Len and Lance Turner in this springtime period in 2013.
17 And at some point you'll hear that Taj Reid and Eric Worthen
18 had an idea, that maybe one thing they could do of value that
19 might get them paid would be to introduce William Joseph to the
20 Turner Group.

21 Now, William Joseph's presence, his role, was as a
22 developer who was from out of town. So Taj Reid had the idea
23 that if he introduced a developer from out of town to a local
24 contracting company, maybe he could get made. Maybe that would
25 be of value and Taj Reid's consulting company could start

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1 making money.

2 They ultimately set up a meeting between William and
3 Len Turner on May 9th, 2013, at the Turner Group offices in
4 Oakland, California. Almost the whole meeting was recorded,
5 and I expect at trial you'll hear the whole meeting. It's less
6 than an hour. Closer to a half hour.

7 On the recording you'll hear the men discuss their
8 businesses, their backgrounds. They discussed some of the
9 challenges facing the Turner Group. And then it was over.
10 Once that meeting ended on May 9th, 2013, the next time
11 William Joseph spoke to Len Turner was the recorded phone call
12 we heard a few minutes ago on September 11th, 2013, when
13 Len Turner told William that he would send in the phony bid.
14 Five months after the May meeting.

15 The recordings will also demonstrate for you the nature of
16 the relationship between Taj Reid and the Turners during the
17 conspiracy. One constant theme is Taj Reid worried that he's
18 not getting paid enough for his efforts. The first time you'll
19 hear this coming up is in connection with the May 9th, 2013
20 meeting. He also thinks that he deserves more of a payday for
21 his role in providing the Turners the information about the
22 construction deal at the Lawrence Berkeley Labs.

23 You'll hear on the recordings Len and Lance Turner
24 resisting the idea of paying Taj Reid, but you'll also hear
25 evidence that Taj Reid did get paid by the Turners at least for

OPENING STATEMENT / DAWSON

1 the May 9th meeting. Why was that?

2 Well, as Len Turner says on a recording, it's because Taj
3 is connected. Taj Reid's father at the time and today is
4 Larry Reid, who is on the City Council in Oakland. Taj Reid is
5 not shy about talking about his father, not shy about talking
6 about his influence and about his connections.

7 On October 8th, 2013, about a month after the conspiracy
8 began, Taj Reid explains that he thinks the Turners need to
9 stay in Larry Reid's good graces and that Larry Reid wouldn't
10 take too kindly to his son getting cut out of the deal. So
11 you'll hear Taj Reid angling to get himself a bigger part of
12 the project and more profit.

13 Apart from the recordings and William's testimony, you'll
14 also hear testimony from two of the law enforcement agents who
15 participated in the investigation. You'll hear about the
16 development of the operation and about the sting. You'll also
17 hear about one agent who went to interview Len Turner months
18 after the conspiracy ended. You'll hear about the contents of
19 that interview, and you'll hear evidence that Len Turner knew
20 it was illegal to have submitted that bid.

21 When Len Turner was asked months after the conspiracy
22 whether the Turner Group had even submitted a bid on the
23 Berkeley Lab deal, he lied and said the Turner Group had never
24 submitted such a bid. But you'll see evidence and you'll hear
25 recordings about exactly that bid, which was submitted on

OPENING STATEMENT / RIORDAN

1 September 18th, 2013.

2 Ladies and gentlemen, this is an overview of what we
3 expect the evidence will show. As I said at the beginning, it
4 boils down to a story about cheating and about fraud, about
5 taking shortcuts.

6 I very much appreciate the time, the attention that you've
7 paid to me this afternoon, and I know you'll pay the same
8 courtesy to Mr. Riordan and Ms. Boersch, who will be standing
9 up in front you in a few moments.

10 Now, at the end of the trial once the evidence is in, the
11 witnesses have testified and the exhibits have been admitted,
12 we'll have the chance to come back and present what are called
13 "closing arguments," where we have the chance to take the law
14 as it's given to you and we argue about the facts and what
15 those facts show. And at that time we'll be asking you to
16 return the only verdict that's consistent with the evidence,
17 which is guilty beyond a reasonable doubt.

18 Thank you very much.

19 **THE COURT:** Thank you. Let me have the alternates
20 move back into their seat.

21 (Brief pause.)

22 **THE COURT:** Okay. Mr. Riordan, you may proceed.

23 **OPENING STATEMENT**

24 **MR. RIORDAN:** Members of the jury, good afternoon.

25 As Judge Breyer said, opening statements can be an outline

OPENING STATEMENT / RIORDAN

1 of the evidence, but as the Government made clear, they
2 organize it to tell the story that they want to tell. And the
3 story they want to tell will have a simple title: Len Turner
4 is beyond -- is guilty beyond a reasonable doubt of conspiracy
5 to defraud the Government of the United States by submitting a
6 false bid on a construction project at the Lawrence Berkeley
7 Lab.

8 But the Government's opening addressed only some of the
9 evidence that you're going to hear. We submit that when you
10 hear the evidence in totality, the story is going to have a
11 different title. This is the case of the strange tale of
12 Billy Myles and the Government's sting operation that did not
13 make any sense. It did not make any sense twice over.

14 It did not make any sense to Len Turner. And the reason
15 for that is that Len Turner understands bidding in California.
16 Whoever designed the sting operation didn't. And for that
17 reason, as I'll explain in a few minutes, Len Turner submitted
18 a bid that was genuine. I say a bid. I should say a proposal
19 because what you're going to hear is there is a big difference
20 between a proposal and a real bid. It was genuine. Because he
21 believed that he could get this project as the primary
22 contractor on the lab project. Okay? And that he knew that
23 William Myles couldn't. William Myles could not qualify to get
24 this project. So when he submits a proposal for \$6.1 million,
25 he believes that they can get the project if William Myles does

OPENING STATEMENT / RIORDAN

1 what he had promised to do, which was bond the project. And
2 I'll tell you a little more about that.

3 So we believe that the evidence is going to show that this
4 is a genuine bid in Len Turner's mind that is not in any way
5 false. And the evidence is also going to show that this sting
6 operation didn't make any sense in another sense, which is that
7 the Government had no business, had no business trying to
8 induce Len Turner to commit a crime. Because the laws of the
9 United States forbid the Government to manufacture crimes.
10 They can offer opportunities to commit crimes to real
11 criminals, but they may not induce honest citizens and attempt
12 to induce honest citizens to commit a crime.

13 Now, I'm Dennis Riordan, and as you know, I represent
14 Len Turner. As with the Government, I thank you for taking the
15 time out to serve on this jury, to preserve a right that every
16 American enjoys in this country, which is to have a jury, not
17 the Government, not a judge, a jury decide whether a crime has
18 been committed.

19 And I'm going to talk about the evidence. We all agree
20 that what I say is not evidence. As is true of the Government.
21 What they said, none of it is evidence.

22 I'm also going to touch on the law. You can't really make
23 sense of what went on in this case without having some
24 understanding of the law, but as Judge Breyer explained, he
25 will give you the law that applies to the case at the end of

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1 the evidence.

2 Now, you're going to see a lot of documents offered into
3 evidence during the course of the case. But one thing you
4 won't see in evidence is the indictment. It's not evidence.
5 But it's hugely important nonetheless because what it does is
6 it informs the defendant of what he's charged with, and it
7 states the facts that the Government must prove beyond a
8 reasonable doubt in order to convict him.

9 And in order to understand the charge, we've got to look
10 at a document that the Government has referred to, and I'll ask
11 Roxanne if she can pull it up, which is the document that was
12 submitted and then Len did approve the submission of this, to
13 be used for the University of California.

14 Can we have it up on the screen?

15 (Document displayed)

16 **MR. RIORDAN:** It's up on my screen. Is it up on
17 yours? I think so.

18 All right. Let's look at some important things about
19 this. It's for the University of California, which, as you
20 know, is perhaps the greatest university in the United States.
21 My daughter graduated from there. And it's about a project at
22 the Lawrence Berkeley National Lab. And look at the subject:
23 Proposal for Complete Renovation of LBN and BA4 or CIG, and To
24 Whom It Concerns. And it has a number on it. Lump sum bid.
25 Okay? As we're going to learn, this is not what Len Turner

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1 calls a bid bid. That is a real full bid. A full bid looks
2 about like -- it's about that thick (indicating). Okay? It
3 has all of the details of the work that's going to be done on a
4 project and, very importantly, and I'm going to come back to
5 this a lot, it has the details about bonding and the
6 contractor's ability to provide bonding for a project.

7 Well, this isn't a gun. It's not a bomb. It's not a
8 knife. It's a piece of paper. And it's got a number on it.
9 And pieces of paper with numbers on it are not crimes. What
10 the Government alleges in the indictment makes this a crime is
11 the mental state. What's in Len Turner's mind when he submits
12 this. And that makes sense. I mean, lending a car is a
13 perfectly legal act, but if you give it to your friend and say,
14 "Go rob a bank with it," that's your intent. That's a crime
15 for sure.

16 And so what does the indictment say is the mental state of
17 the defendant that makes this a crime?

18 "The defendant submitted the bid to the
19 University of California, essentially, in an amount
20 dictated by Individual A." We know that's
21 William Myles acting as William Joseph. "That was
22 higher than the bid that Individual A" -- that's
23 Joseph -- "represented that he had submitted to the
24 lab project. The defendant submitted this bid knowing
25 it was not a genuine bid. The defendant submitted the

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1 Turner Group Construction bid and arranged for the
2 submission of the bid to the university for the sole
3 purpose of artificially ensuring that Individual's A
4 bid," Joseph's bid, "was the lowest bid. In doing so,
5 the defendants intended to undermine the fair and
6 competitive bidding process that would go on for this
7 project."

8 That's the mental state that they have to prove beyond a
9 reasonable doubt.

10 So let's with that in mind turn to May 9th, because
11 May 9th is one of the critical dates, the beginning critical
12 date in this case. May 9th is the day that Len Turner meets
13 William Myles, William Joseph, at his headquarters, the Turner
14 Group's headquarters in Oakland. Okay? And let's talk about
15 who the main players are on May 9th. The first is Len Turner.
16 Who is Len Turner?

17 Len Turner did then and still does run the business side
18 of the Turner Group, a family construction company founded by
19 Len and his brothers and sisters. And all -- they are a large
20 family. Okay? And all of the siblings trained under the
21 watchful eye of Ben Turner. Ben Turner, their dad, is an
22 ex-Marine who started out as a repairman on Volkswagens and had
23 all of his children learning how to work and fix Volkswagens.
24 And he was able to build up his own business in Oakland where
25 all of the children continued to work.

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1 And like all of his brothers and sisters, Len Turner
2 idealized Ben Turner. And that's an event. The event of his
3 death in July of 2013 plays a role in this case. The Turners
4 ran a clean business and were held in high regard in East Bay
5 in 2013. Before the accusation in this case, Len Turner had
6 led an absolutely law-abiding life. He had never been
7 convicted of a crime. He had never been accused of a crime.
8 And what was very true about the Turner Group since their
9 founding in 2005 is that they were very much concerned about
10 the minority employment in Oakland and promoting it.

11 But the company's success had been hindered by one big
12 factor, which is that bonding capacity. Bonding capacity.
13 When you get a project, you have to put up an insurance policy
14 in essence, that if anything goes wrong, the insurance company
15 is going to have to pay off. And each company, depending on
16 their size, has a limit on their policies. And for the Turner
17 Group, it was \$12 million. That can sound like a lot of money,
18 but if you have three or four projects, 2 million here,
19 3 million there, you get up to 12 million pretty quickly. And
20 once you do, you've got to stop. You can't get another
21 project. You have to wait until you complete one and free up
22 your bonding for that project. Okay? So \$12 million was a
23 real limit. It's not the kind of capacity you need to take on
24 a major project or build a hotel in Oakland. Okay. So Len is
25 always as the head of the business, business side of the Turner

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1 Group, thinking about bonding capacity. What can he do about
2 bonding capacity at the same time as he's trying to maintain
3 the company's cash flow and keep -- keep the business afloat.

4 All right. Person Number 2. Billy Myles. Now, when I
5 say Billy Myles, I mean no disrespect because Mr. Myles
6 generally introduces himself as Billy. You'll find out his FBI
7 code name now is Lilac. Lilac. I didn't make that up. I
8 couldn't make that up. Mr. Myles wasn't admitting to be
9 Billy Myles in May of 2013 because he was playing the role of
10 William Joseph.

11 Now, we're going to hear some testimony, I suspect, from
12 Mr. Myles on his life history prior to February of 2006. But
13 that date is important because that's the date he first
14 contacted the FBI in an effort to get assistance from the
15 Bureau for his son Marcus.

16 Mr. Myles will testify that in 2005 when he was living in
17 Hartford, Connecticut, his son Marcus was arrested for dealing
18 drugs in Oklahoma City, where Mr. Myles maintained the family
19 residence. With his son facing decades in prison, Myles
20 decided that he would attempt to trade information about
21 alleged corruption in Hartford with the FBI's assistance in
22 keeping Marcus out of prison. The evidence will show that the
23 United States Attorney's Office in Connecticut had many
24 communications with the D.A.'s office in Oklahoma, asking that
25 Marcus' case be postponed so the FBI could supply the D.A. with

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1 information on Myles' work as at that time as an unpaid
2 informant.

3 And it all worked out. Marcus got a deferred sentence
4 that saved him from jail or prison with the condition that the
5 entire case would be dropped if he stayed out of trouble for
6 five years. And in May of 2007, Billy Myles then was hired as
7 a paid confidential human source by the FBI, and he's continued
8 in that position through today. Lamentedly, in 2013, as soon
9 as his five-year probation was completed, Marcus went back to
10 dealing drugs in Oklahoma City. He's once again been charged
11 and convicted with drug dealing in Oklahoma City, although the
12 deal he got was pretty favorable.

13 Now, in baseball a utility outfielder is a guy who can be
14 brought in to play a lot of different positions and be called
15 upon to move around from position to position as needed.

16 So you might call Billy Myles the utility infielder of the
17 FBI's national sting program. Between 2007 and now, Mr. Myles
18 has been brought in as a civilian undercover operative for the
19 FBI in sting operations around the country, a number of them in
20 Louisiana between 2008 and 2012. He was recently involved in a
21 sting operation in Baltimore. To promote his role back in
22 2000 -- December of 2007, the FBI paid a newspaper to fly a
23 journalist down to write a story about Mr. Myles and what a
24 leader he was in civil rights and how concerned he was about
25 minority employment.

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1 Of course, all of this is a lie. He was -- this was to
2 introduce him, to promote his role as undercover informant.

3 Now, Agent Quinn, who I believe will be perhaps the
4 Government's first witness, brought Myles out here in 2012 to
5 work on Bay Area stings at the recommendation of another --
6 actually an agent of the FBI who was also an undercover
7 operative.

8 You're going to see the service agreements that Mr. Myles
9 signed every year or so under which the FBI has paid him
10 \$1.3 million over the time he's been working with them since
11 2007.

12 Now, that pay is separate from the expensive hotels that
13 he's put up in. You'll hear about the tens of thousands of
14 dollars that went into those when he was here in the Bay Area.
15 The top of the line cars that are provided to him. The meals
16 and even the dry cleaning that's paid for in order to maintain
17 his image as a wealthy and successful businessman.

18 Now, by the terms of those agreements, Myles' contractual
19 services and pay can be severed at any time by the FBI if the
20 FBI decides that they are not getting their money's worth for
21 the \$4,500 they pay him every two weeks, or \$9,000 they pay him
22 every month. Now, one of those agreements -- can we have
23 Exhibit 31 -- was the agreement that Agent Quinn signed with
24 Billy Myles when he was out here in the -- brought out here to
25 work with Agent Quinn on sting operations.

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1 Now, can we -- is it possible to highlight and blow up
2 Paragraph 4, Roxanne? Yeah. I don't know how clear this is,
3 but I hope you'll be able to read:

4 "If at any time the FBI in their sole discretion
5 determines that the value of information or assistance
6 cited -- provided by Mr. Myles is not commensurate
7 with \$1700 [sic] a year, this agreement, the FBI shall
8 terminate or modify the agreement."

9 Okay? And then it goes on to say that there are other
10 obligations -- one of them is mentioned here -- to pay taxes
11 that Myles has, and if he breaches any of those agreements, he
12 can be terminated by the FBI or they can modify or lower his
13 pay.

14 All right. Now let's go on to the third key player on
15 May 9, and that's Taj Reid. Now, Taj Reid had returned the
16 prior year, I think, in 2012, from Cincinnati to the Bay Area
17 where he grew up and, as you've heard, where his father,
18 Larry Reid, is a councilman in Oakland. In early 2013 as
19 you've heard, Reid and Eric Worthen, who worked for the State
20 of California, had hoped to start a political consulting
21 business, mostly trading on his father's official position.
22 And as part of their efforts to start their business, at the
23 request of Myles, they set up a meeting on May 9th, 2013, to
24 introduce Myles to Len Turner. Now, they had mentioned
25 Len Turner before, and he hadn't paid much attention to the

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1 Turners, but it is Myles who then comes back at them and says,
2 "I want to meet with the Turners."

3 And I anticipate that Worthen will testify, as he had in
4 the past, that the meeting they set up for Myles was a straight
5 business meeting. They were attempting, as said, to introduce
6 Myles, who they thought was, you know, a businessman who had
7 scaled every mountain a businessman could to the Turners
8 because then they would get some consulting fees.

9 But before the May 9th meeting, as you've heard, Reid and
10 Worthen had taken bribe money from Myles in exchange for
11 Worthen providing information on a state construction contract.
12 You'll hear from Worthen that he and Reid committed that
13 offense.

14 Now, Len Turner had had little contact with Reid, none
15 with Worthen before the meeting, and had no connection
16 whatsoever with the bribery offense which was completed before
17 Len ever met Myles on May 9th. And I anticipate that the Court
18 is going to tell you, because you'll hear a lot of tapes about
19 before May 9th, about Reid or Worthen talking to Myles, that
20 none of that evidence is evidence of the Turners' guilt. It
21 only deals with Taj Reid's state of mind and willingness to
22 enter into criminal activity with Myles.

23 So let's go on to the May 9th meeting, which is awfully
24 important. The evidence will show that Billy Myles, acting
25 under the name William Joseph, was laying the groundwork for a

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1 future sting operation against the Turner Group. And Myles did
2 so by engaging in his stock and trade: Lying. I'm not being
3 argumentative. You will hear from Myles that what he is from
4 beginning to end in his capacity as a confidential human
5 source, is a liar. Okay?

6 Now, he goes into this meeting as William Joseph.
7 William Joseph doesn't exist. So everything, everything that
8 Myles tells to Len Turner during this meeting with his Joseph
9 hat on is a lie. It's all a lie. It's all intentional
10 falsehoods.

11 But they are not random lies. He doesn't lie about being
12 on the Jamaican bob sled team. They are lies that are
13 carefully chosen to attempt to induce Len Turner to trust him
14 and want to do business with him in the future.

15 So first and most importantly, what is the first topic
16 that Myles brings up in the meeting with Len Turner?

17 Bonding. Why bonding? Because Taj Reid has told Myles,
18 told the man he believed was Joseph, that nothing is more
19 important to the Turner Group than the capacity to bond. That
20 the capacity to bond and the limits on bonding is really what
21 keeps the business from moving to the next level.

22 So what does Myles, also known as Joseph, open up and
23 return to constantly? Bonding. He tells Len Turner that he
24 has \$97 million of bonding available. \$97 million of bonding
25 available. Of course it's nonsense. He's an undercover agent

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1 for -- operative for the FBI. He has no capacity to help with
2 bonding. But he knows like any honest and good businessman,
3 Len Turner would like to move the business to the next level.

4 Then he follows up with a bigger lie, and you're going to
5 hear this weave its way through everything that Myles does
6 thereafter. He is going to build a big hotel in Oakland. He
7 is going to build a 350-room hotel in Oakland. Well, do you
8 know what a 350-room hotel would mean to the Turner Group? You
9 know what it would mean to employment in Oakland? It would be
10 a big deal. It would be a very big deal. And he returns to
11 that theme again and again in the months that he knows -- has
12 dealings with Len Turner.

13 Then he moves on to lies about how rich and successful
14 he -- Joseph is. He has been involved in development projects
15 at Disneyland, Universal Studios, the Galleria. According to
16 Myles, Mr. Joseph owns a significant percentage of the airport
17 businesses in Dallas and Buffalo. All lies, one after another.

18 Then he moves on to another one of his specialties, which
19 is very important when they are going after the Turners.
20 Racial identity, solidarity, and the importance of minority
21 employment. Oh, yes. Mr. Myles is -- will continually tell
22 the Turners, and everybody else, because he meets a bunch of
23 other people in Oakland, that he is the man to promote minority
24 employment in Oakland.

25 Now, Mr. Joseph has no parents. Okay? But Myles

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1 describes about how his parents died in the projects, and he
2 says that he's the first one to make it and that he's sure that
3 Len Turner is like him, a succeed story like him. And then he
4 goes on to say that his best friend is the largest black
5 investor on the stock exchange, King Funding. Who is King
6 Funding? King Funding is Michael King, another -- an FBI agent
7 who actually was the one who suggested that Myles be brought
8 out and has been working with him on sting operations in this
9 area.

10 But then the closer, and you'll hear it right at the end.
11 "Certain things I want. I'm going to" -- "Certain things I
12 want. I'm going to include you in the deal."

13 What a promise. What a promise. A promise that like
14 everything else he had said was an utter lie. Okay. The
15 evidence will show that all of this was part of Myles and the
16 FBI attempting to groom Len Turner to include him in a sting
17 operation, the details of which had yet to be worked out.

18 Len leaves that meeting, however, quite disappointed. He
19 really had been interested in possibly getting funding from a
20 major developer to help the Turner Group. He was really
21 interested in Joseph making available bonding capacity.

22 However, at the end of it he says, This guy has tooted his
23 horn a lot, but I didn't hear anything concrete. And so he
24 doesn't expect to ever hear from Mr. Joseph/Myles again. And
25 that's the way it is for the next four months. And then we get

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1 to the first date in the indictment, when this conspiracy,
2 alleged conspiracy, is supposed to have begun. September 9th.

3 Now, at this time Myles has Taj Reid in his proverbial
4 pocket. He's gotten Reid to take a bribe before. He knows
5 that Reid, who has no idea that he's dealing with an FBI
6 informant, will be on board for joining a new criminal scheme.

7 And so the sting starts to roll. Myles, wearing his
8 Joseph cap, calls Taj Reid to describe the imaginary bidding
9 process at the FBI lab that the FBI has cooked up. Joseph has
10 the inside track, he tells Reid on this lab project, but as
11 you've heard, he needs other bids to make his bid look good.

12 Taj Reid jumps at the opportunity to get involved in this.
13 And nobody here, certainly on the Defense side, is going to
14 defend Taj Reid. He's into this both feet -- with both feet.

15 But Myles wants Reid to be the first one who raises this
16 project with Len Turner. Why? Because under the law if you
17 have two people and one of them is a Government operative, you
18 can't have a conspiracy. So his desire is to get Taj Reid to
19 bring Len Turner on in the conspiracy.

20 But the evidence is going to demonstrate that Taj Reid,
21 along with his many other faults, is a lousy messenger. He
22 goes and speaks to Len Turner on September 9th. He comes back
23 to Myles on September 10th and he says, "They have accepted
24 it."

25 And Myles is, "Oh, that was fast."

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1 And so they go along a little ways in the conversation.
2 Okay. And Myles wants to know, "What did you tell him? What
3 did you tell him?"

4 He says, "Well, I told him it was 7,000 square feet at
5 Berkeley."

6 Okay. He says, "Do you have a roundabout number?"

7 He said -- and this is Reid speaking: "He asked me if I
8 have to bid. I told him no, you don't have to bid on this
9 piece. You already have the job. We're asking you if you want
10 to come in and be the prime. He said" -- Taj speaking about
11 Len -- "No bidding? I said no. As a matter of fact, we
12 already have the plans."

13 So Taj has blown the whole thing. What is the scheme?
14 It's to submit a phony bid. Taj has told Len Turner he
15 wouldn't have to submit any bid. They have got a project that
16 they want him to do the work on. Great, terrific for the
17 Turner Group.

18 Well, this is a little frustrating for Mr. Myles, and he
19 says, No, no, no, Taj. Let's get this right. You've got to go
20 back to Len Turner. It's a phony bid. It's a phony bid. It's
21 a phony bid. Okay. You've got to tell him he has to bid.

22 September 11th telephone call. First it's with Taj Reid
23 and Myles. And he says -- I was talking to Len, and he was
24 thinking -- now I'm quoting. He was thinking, Well, if I have
25 to do a bid, then that means I have to go through the process

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1 of having my plumbers, my electricians and this and that.

2 That's what you do with what they call a "take-off." A real
3 bid. That book over there (indicating).

4 And then William Joseph says, "No, no." We ask --
5 basically I used the word, just the phony bid.

6 And what does Taj Reid say? "You want a phony bid?"

7 William Joseph, "He ain't doing no take-off."

8 And Taj Reid says, "No, he's come back. So you want a
9 phony bid?"

10 So the fact of the matter is that Taj Reid has described a
11 legal process to Len Turner in which they will have to do a bid
12 and has never said anything about a phony bid. You will never
13 hear any evidence that Taj Reid himself ever said anything to
14 Len Turner about a phony bid.

15 Okay. Now, so when Len Turner gets -- then Len Turner
16 gets on the phone, okay, with Taj Reid -- with William Myles,
17 rather. And prior to the call after thinking that Joseph would
18 never get in touch with him, Len had been excited about the
19 notion of making a breakthrough for the Turner Group and
20 getting a project at the prestigious University of California.
21 It made sense to him that Myles might have a connection at the
22 lab that would push to the project going to a group associated
23 with Joseph.

24 You'll hear that in the construction business, everything
25 is relationships. Okay? But the Turner Group didn't have the

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1 bonding to bid for the jobs themselves, a loan, but in a joint
2 venture with Joseph, if Joseph would provide the bonding, then
3 they would have a real shot at this project.

4 So Len's concern was getting the information needed to
5 make that bid solid and responsible so that the Turner Group
6 could service it.

7 Now, the Government has told you, and you've heard clips,
8 that says during that call Myles described the need for a
9 non-genuine bid for 6.15 million to be submitted to make his
10 bid of 57 or 59 million the lowest so that he could get the
11 project. And although the -- the recording is less than clear,
12 he -- and you'll find that some of these are very difficult to
13 pick up -- he uses the term "phony bid" twice on that
14 conversation. Okay. That happened.

15 Mr. Joseph also told Len, and this is critical, that he
16 wanted the Turner Group to do all the construction. He did not
17 want to do any construction on this project. Okay? He wanted
18 to develop what? A hotel. Back to the hotel. And he also
19 said that he had \$110 million worth of other projects in the
20 pipeline that would be available to the Turner Group and he
21 could bring them on as well.

22 And what you hear is Len asking about the details. What
23 about scope? What about specifications?

24 Well, scope and specifications are the specific details of
25 a project. What do the windows look like? What kind of doors

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1 they are going to use, so forth and so on.

2 And -- and Myles tells Len: There are no scope and
3 specifications. Don't have them. They don't exist. And at
4 the end of that call, at the end of the call -- and there is no
5 question he's described the three bids and so forth -- Len
6 says, "I hear you. I've got it." He does say that.

7 So the call ends. And then what is the evidence that
8 you'll hear about what Len Turner made out of this call?

9 He was flattened by it. It didn't make sense to him. And
10 the reason is he was 100 percent sure that William Myles could
11 not get this contract. Myles couldn't get it. He didn't have
12 the qualifications. He didn't have the licenses. Okay? He
13 had no licenses. It wasn't -- you bid as a primary contractor
14 on a project. He said that he doesn't want to have anything to
15 do with the construction.

16 But Len is thinking that he can get the project if Myles
17 will just provide him -- Mr. Joseph will just provide him with
18 the necessary bonding. And in his mind he is going to submit
19 the proposal that Myles has asked for and he doesn't have a
20 problem with the \$6.1 million that's used as the number. And
21 the reason for that is he knows nobody gets a \$6.1 million
22 contract with a proposal. Okay? The university will come back
23 and they will negotiate and then the critical thing is getting
24 down to the nitty ditty on the scope and the specifications.

25 But while he's really interested in this, there is an

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1 aspect of it that scares him, because in the discussion Myles
2 says that both for his bid -- you know, 57, 59 -- and for
3 Len's, the rate for square foot is going to be \$800. And now
4 Len knows that when you're doing the kind of construction
5 project that he does, that is -- that is a huge number. It's
6 probably twice as much as the footage would normally cost.

7 But if the University of California is going to accept
8 this, because according to Myles it is, then there must be a
9 reason. And the reason has to be that this is the Berkeley
10 science lab. This is a science lab. It's not a school
11 building project. Okay? What about the doors? What about the
12 specifications? What about the special things that go in
13 there? It could be that \$6.1 million is too low. He can't
14 know until he gets the scope and the specifications and
15 Mr. Myles has told him that he won't have them, he doesn't have
16 them, and he can't give them to him.

17 Okay. Now, before I bore you to death, I'm going to tell
18 you that there is a series of two meetings, maybe one or two
19 phone calls between September 11th and October 8th, four weeks,
20 just four weeks. And October 8th is going to be a very
21 important date. At one point the Turners introduce Myles to a
22 number of acquaintances at a birthday party for Rebecca Kaplan,
23 who is a councilwoman in Oakland. We have a meeting on
24 October 3rd. And then an important set of calls on
25 October 8th.

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1 Okay. I'm just going to ask you to keep your ears open
2 for certain things, such as the qualification form, because
3 it's not only -- it's not only the bid, okay, the bid proposal
4 that Len proves the filling out on. It's this qualification
5 form.

6 Let me have that. I think we have that don't we Roxanne?
7 I think it will get called up here.

8 (Document displayed)

9 **MR. RIORDAN:** All right. During this trial you're
10 going to learn why this qualification form cements in
11 Len Turner's mind that William Joseph cannot possibly qualify
12 for this job. The Turner Group can, but William Joseph cannot.
13 You're going to hear about an email that on September 16th Len
14 sends to Taj and says, You know, I don't know if we can get
15 this project. "We," meaning he intends to get the project. I
16 don't think we have the bonding. We may not have the bonding.
17 We may lose it.

18 That's a telegram that -- an email that you send if you
19 are trying to win the project.

20 One thing is that the Government incorrectly said that
21 Len Turner said that he would submit a phony bid. You will
22 never ever hear Len Turner use the word "phony bid." It's used
23 a couple of times in all of these events and actually quite
24 infrequently. You heard that it's used on the September 11th,
25 but Len Turner and, for that matter, Ms. Boersch will tell you

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1 the same thing is true of Lance Turner. They never use the
2 phony bid language.

3 And on October 3rd during a meeting that's been described
4 to you, and you're going to hear some things about this meeting
5 that show that there was a design flaw in this sting. And it
6 was a design flaw that slapped Len Turner in the face when he
7 walked into this meeting and saw that he was going to lead --
8 listen to a call from Maria Robles. Maria Robles wasn't
9 actually anybody at the Berkeley Lab. She was an FBI agent
10 posing as an employee there. And wait and -- for that, for
11 that revelation.

12 But the other thing that Len says when all of this is
13 described is, "Okay."

14 And Myles said, "Nobody is going to do a take-off".
15 Take-off" is the real bid. But -- and he says, "No, we're
16 going to do a take-off." He is concerned that there will be a
17 real bid with real numbers, which, of course, he needs the
18 specs and the scope.

19 October 8th, five days -- well, let me say this. The
20 evidence will show that when Len Turner and Lance Turner left
21 that meeting, they said, "We've got to walk away from this."

22 I mean, this supposed -- this employee says that Joseph
23 can get the project, which doesn't make sense to us, but she
24 says he doesn't have the project. She says that the Turners
25 have a good bid.

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1 And Len says, "Well, if we have a good bid, why don't we
2 have the project?"

3 Oh, no, no, no. We've got to get more information and so
4 forth.

5 The other thing that Joseph reveals at this meeting, that
6 there is never going to be a hotel in Oakland. And needless to
7 say, that was a pretty big brass ring as far as the Turner
8 Group was concerned.

9 So on October 8th, five days later, four weeks after this
10 whole sham started, Len Turner talks to Taj Reid, who is trying
11 to shake him down for money. He tried to get \$100,000 for the
12 meeting in May 9th. And the Government told you, yes, Len paid
13 him. He said, "I'm not going to give you anything like that.
14 If you have five hours that you worked on it, fine." And he
15 gives him 1200 bucks.

16 Okay. And now Taj Reid wants \$100,000 for this project.
17 And Reid calls up Myles on October 8th, and he's practically
18 crying. He says, "Len Turner tells me that he's not going to
19 do this. And the reason he's not going to do this is you won't
20 give him the specs and the scope."

21 Of course not. If he's doing a real project and he
22 doesn't have the specs and scope, he is not going to go proceed
23 on it.

24 And so what does Taj Reid say? "Well, I'll go take it to
25 somebody else."

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1 And what does Len Turner say? "Good. Go ahead and do
2 that." And then he tells Myles the same thing on the same day.

3 And that's the end of this.

4 Now, let me close with a very short discussion of another
5 important issue. Because we've talked about why the Government
6 will not be able to prove, certainly beyond a reasonable doubt,
7 that Len Turner had the intent to defraud the United States.

8 But we believe at the close of the evidence, the Government
9 is -- Judge Breyer is going to instruct you on another burden
10 that the Government bears, to prove beyond a reasonable doubt.
11 He will determine the law.

12 We believe you will hear an instruction that says that you
13 cannot convict -- and it's a rule that applies, a law, a legal
14 principle to sting operations. You may not convict a defendant
15 based on a sting operation unless the Government can prove
16 beyond a reasonable doubt that they did not entrap the
17 defendant.

18 Well, we submit they didn't succeed in pulling him across
19 the line, but that the methods that they used absolutely
20 constitute the forbidden methods of entrapment.

21 They can disprove that in one of two ways. They can prove
22 that somebody, the Defendant, wanted to commit a crime before
23 the Government ever met him. That's May 9th. May 9th. I urge
24 you to listen carefully to see whether the Government produces
25 any evidence that before May 9th Len Turner had ever thought

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1 about committing a crime in the course of his business. And I
2 submit to you, you will not hear any.

3 There is an alternate way they can go, which is they can
4 say, okay, he wasn't predisposed, but we didn't induce him.
5 What's inducement? Well, the instruction we believe that you
6 will get says:

7 "Evidence of inducement can consist of
8 persuasion, fraudulent representations, promises of
9 reward, and pleas based on need, sympathy, or
10 friendship."

11 You'll hear plenty of evidence that through Billy Myles
12 the Government relied just -- on just such tactics in this
13 case. And we submit that the Government's failure to prove
14 that it did not use legal methods in this whole sting operation
15 is a separate grounds on which you're entitled to acquit.

16 Now, at the close of the evidence in this case, you may
17 think that Len Turner can be faulty for wanting the lab project
18 too much. He was too ambitious. He was too driven. He was
19 too concerned with moving the Turner Group forward. He's
20 human. But if that's your conclusion, the evidence of his zeal
21 to get this project for the Turner Group is precisely the
22 evidence that he is innocent of the crime of falsely submitting
23 a false bid for the purpose of getting it for William Myles.
24 His zeal was genuine. It was not intended to defraud the
25 Government.

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1 And at the close of the evidence, I will rise again to ask
2 you on either of those grounds, but -- and you get to pick
3 whichever one you want to deliberate on first, either innocence
4 or entrapment. I will ask you to render a verdict of acquittal
5 for Len Turner.

6 Thank you.

7 **THE COURT:** Ms. Boersch.

8 **OPENING STATEMENT**

9 **MS. BOERSCH:** Good afternoon, ladies and gentlemen.

10 My client is Lance Turner at the table there (indicating),
11 and Lance Turner is not guilty of the crime the Government has
12 charged him with.

13 I will be brief, much briefer than either the Government
14 or Mr. Riordan because there is virtually no evidence against
15 my client, Lance Turner, as you are going to hear.

16 Lance Turner simply got caught up in the Government's
17 misguided sting operation. He did not conspire with anyone.
18 He did not intend to defraud the United States and he did not
19 intend to defraud the United States Department of Energy, which
20 is what the Government charged him with. The Government will
21 not be able to prove beyond a reasonable doubt that
22 Lance Turner ever intended to defraud the United States
23 Department of Energy.

24 As you heard, the Defendants, Len Turner and Lance Turner
25 and other members of the Turner family, run a family business

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1 called Turner Group Construction. They are licensed
2 contractors, and they run an honest business. Over the years
3 Turner Group Construction has grown from being a small family
4 business into being one of the major and most well established
5 minority contractors in the East Bay in Oakland, California.
6 It is a good, solid, honest business.

7 As you just heard from Mr. Riordan, Turner Group
8 Construction submitted a proposal to do the work at the
9 Lawrence Berkeley Lab at the University of California in
10 Berkeley. But that proposal, as Mr. Riordan explained to you,
11 was a genuine proposal. They honestly wanted the work. They
12 honestly believed they were going to get the job. Len and
13 Lance Turner did not conspire to defraud the United States.

14 Why is Lance Turner here at all? Because you're going to
15 sit through this trial. You'll sit through hours and hours of
16 evidence, and you will barely hear Lance Turner's name
17 mentioned at all. He simply got dragged into this Government
18 sting operation because he's Len Turner's brother, and he was
19 doing Len Turner a favor to come to two meetings with
20 William Joseph. That's essentially it. That's the
21 Government's evidence against Lance.

22 Lance did not participate in the vast majority of the
23 conversations or the recordings that you're going to hear, and
24 the evidence is going to show that he knew nothing about the
25 Lawrence Berkeley Lab proposal that was submitted and knew very

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1 little about the proposed work at all.

2 Who is Lance Turner? Lance is 58 years old. He grew up
3 in Oakland. He has worked his entire life. He started
4 working, as you heard from Mr. Riordan, for his father,
5 Ben Turner, who worked for an auto repair company and
6 eventually started his own Volkswagen repair business basically
7 in his backyard. Ben Turner lifted that family up into what
8 they are today, which is a very significant minority contractor
9 in the East Bay.

10 Lance has a big family. In addition to Len, he has two
11 other brothers and a sister. All of them have been involved in
12 Turner Group Construction. You will hear in this case that the
13 family is very close. They are very close to their mother.
14 They are very close -- they were very close to their father,
15 Ben Turner, who died in July of 2013 right before the events at
16 issue in this case started.

17 After high school Lance became a carpenter's apprentice,
18 and eventually he started his own construction business. He
19 got his contractor's license way back in the 90's, and in 2005
20 he and his brother Len and others from the family started the
21 business Turner Group Construction. And they grew that
22 business, as I said, from a small family affair into the major
23 minority contracting business that it is today.

24 Turner Group Construction has employed hundreds of people
25 in the Oakland area since they started that business. They

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1 have put people through school. They have employed ex-cons.
2 They have done everything they can to support their community
3 in Oakland. That was a characteristic of the Turners that you
4 will hear in this case Mr. Myles played upon quite heavily.

5 You're also going to learn that Lance is the construction
6 guy at Turner Group. He is not a business guy. His role is to
7 be the boots on the ground construction guy for Turner. He is
8 the field guy. He works on the job sites. He goes out,
9 manages the crew. He makes sure that the job gets done and
10 that it gets done right. You will hear that Lance is not the
11 business guy. He does not prepare bids. He does not negotiate
12 contracts. He does not review documents. And he does not do
13 estimating for bids.

14 So let's talk a minute about the alleged crime, because I
15 first want to adopt and agree with everything that Mr. Riordan
16 just said about this case because much of what he said applies
17 equally to Len -- to Lance as it does to Len.

18 As you heard from Mr. Riordan, this case is about a plan,
19 a supposed crime that was hatched by the FBI. It was created,
20 it was manufactured by the FBI. And the plan was that they
21 were going to create this fake contract to renovate a building
22 at the Lawrence Berkeley Lab at the University of California in
23 Berkeley. And the FBI decided to execute that plan by taking a
24 paid -- highly paid Government informant that they had worked
25 with before and try to run him into the Turner Group to see if

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1 they could induce Len Turner to commit this crime that they had
2 in their mind.

3 That confidential paid informant, real name is
4 William Myles. The name he used here was Mr. Joseph. You're
5 going to hear a lot about Mr. Myles. You're going to hear a
6 lot about his background. You're going to hear a lot from
7 Mr. Myles himself because he's going to testify. You're going
8 to hear hours, I think, of recordings where Mr. Myles is
9 speaking. Mr. Joseph. And much of it is incomprehensible.
10 Much of it is incomprehensible, as you'll hear, because he
11 doesn't speak in full sentences. He has an accent. He speaks
12 quickly. And as you will hear when you listen to those
13 recordings, he's trying to say just enough to try to make a
14 case against somebody without actually alerting them that maybe
15 there is something wrong with what he's saying.

16 So I do urge you to listen carefully to what William Myles
17 says on these recordings.

18 William Myles told many, many lies as Mr. Riordan just
19 told you. Many lies to Len Turner. Many lies to Lance Turner.
20 They believed those lies. That was a mistake on their part, no
21 doubt. He said he was this wealthy developer. He was coming
22 out to Oakland. He wanted to work with minority contractors.
23 He wanted to work with black contractors. He wanted to help
24 those minority communities to rise up.

25 Lance knew William Myles as William Joseph, so I'm going

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1 to refer to him throughout any opening as William Joseph. It's
2 going to get confusing because people are going to go back and
3 forth between William Myles and William Joseph, but I'm going
4 to talk to him as William Joseph.

5 The fact is that Lance barely knew Mr. Joseph. He met him
6 for the very first time on September 16th. He had only a few
7 encounters with William Joseph in the fall of 2013 and never
8 saw him again. That was a very brief period, as you might
9 imagine, in Lance Turner's life of 58 years so far.

10 Now, the other people I want to talk briefly about is
11 Eric Worthen and Taj Reid. Because the Government spent some
12 time talking about Taj Reid and how bad Taj Reid is and
13 Eric Worthen and how bad Eric Worthen is. And they are going
14 to play you, I think, two hours almost of conversations between
15 Eric Worthen, Taj Reid, and William Joseph. Why? What does
16 that have to do with Lance? Hardly anything at all.

17 Both of those two, as you heard, have since been convicted
18 of a crime, a crime of bribery that had nothing -- do not be
19 confused by this. It had nothing to do with Lance Turner,
20 nothing to do with Len Turner. Why is this evidence coming in?

21 The Government is going to tell you it's coming in to tell
22 a story. It's coming in to tell you the story the Government
23 wants you to believe, and that story is that somehow, I
24 suppose, that because Eric Worthen and Taj Reid have done
25 something reprehensible, so too must Lance and Len Turner. But

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1 do not be -- do not be confused by that tactic.

2 Let me talk a little bit about the Lawrence Berkeley Lab
3 project and the evidence you're going to hear on that because
4 the evidence that you're going to hear about that particular
5 project is going to demonstrate to you at the end of the case
6 that Lance Turner is absolutely not guilty of the crime that
7 the Government has charged.

8 And what is the evidence that they have against Lance as
9 opposed to Len? The evidence against Lance is going to consist
10 solely of his presence, his mere presence at two meetings,
11 where William Joseph was from and William Joseph was going on
12 and spinning his tales, and at some point talking about the
13 Lawrence Berkeley Lab project. The first of those meetings was
14 on September 16th of 2013. That is, in fact, the first time
15 that Lance met William Joseph. The second meeting was on
16 October 3rd, roughly -- what is that? Two or two and a half
17 weeks later.

18 You're going to hear those recordings, and those
19 recordings will not show any agreement at all by Lance Turner
20 to submit a fraudulent bid with the attempt to defraud the
21 Department of Energy of the United States. That's the charge
22 against my client.

23 In fact, the evidence will show that Lance Turner had
24 virtually nothing to do with the submission of the proposal,
25 and Lance Turner knew little, if anything, about the job or any

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1 of the conversations and the prior discussions that other
2 people had had, including Taj Reid.

3 As I said, the Government is going to have you listen to
4 almost two hours of conversations between Taj Reid,
5 Eric Worthen, and William Joseph. Lance was not a party to any
6 of those conversations. Lance did not hear any of those
7 conversations. Lance is not even mentioned in those
8 conversations. Nobody even heard of Lance Turner until he
9 shows up with his brother Len at the meeting on September 16th.
10 And, in fact, almost all of those conversations have nothing to
11 do with the actual charge in this case, which is supposed
12 submission of a false bid for the Lawrence Berkeley Lab project
13 to defraud the Department of Energy.

14 I want to focus on four dates that the Government focused
15 on in their opening statement because they are significant in
16 what they do not show about Lance Turner. The first date is
17 May 9th. That's the date, as you heard, when Len Turner first
18 meets William Joseph. At that meeting, Lance Turner was not
19 there. He did not participate in that meeting. And there is
20 no mention of Lance Turner in that meeting, and you will hear
21 that recording.

22 The next date is September 9th. That's when
23 William Joseph first tells Taj Reid about this scheme he's
24 cooked up, William Joseph, about having an inside connection.
25 And he suggests to Taj Reid that Taj Reid present that deal,

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1 whatever it is, to the Turners. During that conversation on
2 September 9th, Lance Turner is not on the phone. Lance Turner
3 does not hear that conversation, and Lance Turner again is not
4 even mentioned.

5 Again, September 10th, the next day. Taj Reid speaks to
6 William Joseph. Taj Reid tells William Joseph, quote/unquote,
7 "They accepted it."

8 What is the "it"? You'll hear that recording, and you
9 will not conclude that the "it" is what the Government says it
10 is. And more importantly, Lance Turner was not on the phone.
11 He didn't hear that. He's not even mentioned. Taj Reid just
12 says "they."

13 The next date is September 11th. That's when Len Turner
14 first meets William Joseph. And, again, during that meeting,
15 during that phone call, Lance Turner is not there. He's not
16 present. He doesn't hear it. And he's not even mentioned.

17 Lance Turner had absolutely nothing to do with the facts
18 of this case until he shows up at the meeting on
19 September 16th. And on that day, his brother Len asked him to
20 come to the meeting to meet this guy William Joseph, who had
21 been telling Len that he was this major wealthy developer from
22 the South. He's African-American, Mr. Joseph. You'll see when
23 he testifies. And he was telling them that, hey, he was coming
24 out here. He wanted to help minority contractors. He wanted
25 to meet minority contractors. And he wanted to help minority

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1 contractors provide jobs for their communities.

2 So Len asked Lance: "Come with me to this meeting. Get a
3 read on this guy for me." So Lance shows up.

4 That meeting was at the Marriott hotel in San Francisco.
5 It lasted about three hours. It was over cocktails and snacks.
6 The vast majority of the conversation is irrelevant chit-chat.
7 Very, very briefly, only minutes of the entire meeting is the
8 LBNL, the Lawrence Berkeley Lab job. Only a few minutes is it
9 even mentioned.

10 Lance's participation in that meeting -- you'll hear the
11 recording -- consists of small talk. He says nothing about the
12 Lawrence Berkeley Lab project. It will not be clear from the
13 recordings whether he even heard anybody talk about that. The
14 only time you'll hear Lance say anything at all of substance at
15 that meeting is when he tells William Joseph that he's been in
16 construction since 1978; it's true. That he started as a
17 carpenter's apprentice. That he holds a union card. And that
18 he is the person at the Turner Group who holds the contractor's
19 license, does all the building, and doesn't get involved in the
20 estimating or the business side of things.

21 That is the Government's evidence against Lance Turner
22 from September 16th. And I submit to you, ladies and
23 gentlemen, that that evidence will not be sufficient to prove
24 beyond a reasonable doubt that Lance joined any conspiracy and
25 certainly not a conspiracy to defraud the Department of Energy.

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1 But an important point about that September 16th
2 conversation is during that conversation -- and listen to the
3 entire tape. Nobody, nobody called the Turner Group proposal
4 phony. That word is not used in connection with the Turner
5 Group proposal on September 16th when Lance was there.

6 Lance was simply there getting to know William Joseph,
7 having a drink, and trying to get a read on who this guy was.

8 Two days later Turner Group Construction sends off the
9 proposal that Mr. Riordan talked about, the proposal that you
10 saw. But the evidence will show that Lance had nothing to do
11 with the preparation of that proposal. He didn't submit the
12 proposal. He didn't review it. He didn't even -- even see it.

13 The only other evidence involving Lance Turner that the
14 Government will present to you consists of his presence at the
15 meeting that they described on October 3rd, 2013, after the
16 Turner Group proposal was submitted. During that meeting, as
17 you heard, they had an FBI agent masquerading as this woman
18 called Maria Robles. She was supposedly the insider at
19 Lawrence Berkeley National Labs, and during that meeting the
20 FBI had set up a secret video camera so they could catch all
21 this on video.

22 Now, in their opening statement, the Government said to
23 you that at that meeting Maria Robles said the Turners' phony
24 bid looked okay. That's what the Government told you she said.

25 She never used the word "phony" to describe the Turners'

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1 bid during that conversation. It did not happen. You can
2 listen to that recording over and over.

3 During that meeting Lance and Len asked Joseph, and/or
4 through him asked the woman on the phone whether they could get
5 specifications for the job, whether the building was occupied,
6 whether the demo was complete, whether they needed to provide
7 any equipment. They asked those questions because they
8 believed that they submitted a genuine proposal and that they
9 had a real shot at competing for the work. And this would be
10 of course a big deal for Turner Group Construction, to get in
11 at the University of California, which for any of you who are
12 in the Bay Area, recognize as a major presence in the East Bay.

13 The evidence will show that when Len and Lance walked out
14 of that meeting on October 3rd, though, they had decided they
15 pretty much heard enough from William Joseph. None of it made
16 any sense to them. And you'll hear that on the recordings.
17 You'll hear them asking questions like, This doesn't make any
18 sense to me. It won't make any sense to you either.

19 The fall of 2013 is the last time Lance Turner had any
20 contact with William Joseph. Brief period of time in there.
21 He never had any other conversations with William Joseph or
22 anyone else about this supposed job at Lawrence Berkeley
23 National Lab. He heard nothing about any of this until almost
24 five years later. Five years later. April 2017 when suddenly
25 the Government charged Lance and his brother with the offense

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1 that you now have before you.

2 I want to talk about two principles of law that are going
3 to govern in case. First is what you heard from Judge Breyer
4 at the outset. And that is that as the jurors in this case,
5 your job is to give separate consideration to each Defendant.
6 And why is that important? Because in this country, we do not
7 convict people unless there is evidence against them
8 personally. It's important, particularly in this case, because
9 the Government, as you've already heard, is going to be
10 spending a lot of time discussing evidence that has absolutely
11 nothing to do with Lance Turner. Evidence about Taj Reid,
12 about Eric Worthen, about William Joseph, about others. But
13 you have to disregard any evidence that is not admissible
14 against Lance Turner.

15 That's really important, and I have to ask you to really
16 try to keep that in your mind as you hear this case go forward.
17 Because when some of that evidence comes in, I expect the Court
18 will give you an instruction that this particular bit of
19 evidence, whatever is coming in, is admissible only against
20 this defendant or that defendant. Please write that down
21 because it will be very easy to forget at the end of the case
22 what evidence is admissible against what defendant. That's
23 very hard for people to keep in their minds, but it's a very
24 important legal concept that protects individuals in the United
25 States from being wrongly convicted.

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1 So when you are instructed that certain evidence is
2 admissible only against some defendants, mark that down
3 somehow. Remember that when you go back in the jury room.

4 That rule is especially important here for two reasons,
5 one, because of the evidence that you're going to hear about
6 people that have nothing to do with Lance, Taj Reid, or
7 Eric Worthen. By the way, Lance Turner has never met
8 Eric Worthen, ever. Lance Turner met Taj Reid for the very
9 first time on September 16th, the same day that he met
10 William Joseph.

11 The rule about separate consideration for each defendant
12 is also really important to this case because you heard it in
13 the Government's opening statement and you'll hear it again and
14 again. They will refer to these two Defendants as the Turners,
15 as some monolithic being. But that's not who they are. They
16 are two individuals, Len Turner and Lance Turner. And you have
17 to consider them each separately.

18 When they say -- when the Government says "the Turners",
19 the Turners did this" or "the Turners did that," do not assume
20 that that means Lance Turner did anything. They have to show
21 you what Lance Turner did, not what some monolith called "the
22 Turners" did. So this instruction that you got at the
23 beginning of the case to give separate consideration to each
24 Defendant is critically important in this case.

25 The other thing I want to talk about briefly before I

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1 finish is these recordings because you're going to hear hours
2 of them. Hours of them. The Court, I think, at the end of the
3 case will instruct you that the recordings are the only thing
4 that's evidence. And many of those recordings, as I just said,
5 are not going to be evidence against Lance Turner.

6 When the Government plays those recordings, as they did in
7 opening statement, the Government has prepared transcripts and
8 the Government has written up what they say is said on those
9 recordings. But the Court will instruct you at the end of the
10 case that those transcripts are not the evidence. The only
11 thing that's the evidence is the actual recordings, the actual
12 audio that you hear. So while you may be able to read along
13 with the transcripts while you're sitting in the courtroom,
14 when you go back to deliberate, those transcripts are not
15 evidence. Only the recordings are evidence.

16 Why is that important? And it is critically important to
17 this case. It's important to the case because Lance Turner and
18 Len Turner are charged with conspiring and intending to defraud
19 the Department of Energy. So to decide this case, you have to
20 get inside their heads. And in this case the evidence about
21 what they understood and, therefore, what they might have
22 intended is going to consist solely, almost solely of what
23 William Joseph said to them on these few occasions when they
24 met with him. And as you listen to those recordings, you'll
25 hear William Joseph talk all his lies, but he talks very fast.

1 He's very hard to understand.

2 At the end of this case when you're considering the
3 evidence, try to remember. Lance heard what he heard on those
4 occasions. Lance did not have the benefit of transcripts to
5 read along. Lance was not able to read and reread whatever
6 William Joseph was saying about the Lawrence Berkeley Lab job
7 or anything else. Lance did not have the benefit even of the
8 recordings. He could not play and replay them to try to figure
9 out what William Joseph was talking about.

10 Lance Turner had only those few moments in a busy hotel
11 bar or in Joseph's hotel room when Joseph was talking at him.
12 That's what he had. That's the evidence against Lance.

13 And, remember, you just heard the Government's opening
14 statement. I think they mentioned Lance one time. That was
15 it. You heard Mr. Riordan's opening statement. Hardly any
16 comment about Lance at all.

17 That's because there really is no evidence against
18 Lance Turner at all. He's not guilty. He did not conspire
19 with anyone. He did not intend to defraud the United States.
20 He did not intend to defraud the Department of Energy.

21 So at the end of this case, I'm going to ask you to
22 consider all the evidence that you've heard, the evidence
23 admissible against Lance Turner only. And at the end of this
24 case, I'm going to ask you to return the only verdict that's
25 going to be supported by that evidence, and that verdict is

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1 that Lance Turner is not guilty of the crime that he's charged
2 with.

3 And I thank you very much for your patience, but it is a
4 really important job that you guys have. Thank you.

5 (Further proceedings held herein, reported
6 but not transcribed.)

7 * * * * *

I N D E X

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CERTIFICATE OF REPORTER

I certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter.

Debra L. Pas

Debra L. Pas, CSR 11916, CRR, RMR, RPR

Thursday, June 20, 2019